

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA)

v.)

MICHAEL RONALD GARANT,)

Case No.

15 mj 88 (SER)

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about August 23, 2014, in Mille Lacs County, in the State and District of Minnesota, the defendant, MICHAEL RONALD GARANT, did, in connection with the acquisition of firearms from Full Metal Gun Shop, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly make a false and fictitious written statement to Full Metal Gun Shop, which statement was intended and likely to deceive Full Metal Gun Shop as to a fact material to the lawfulness of such sale of the said firearms to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearms, when in fact he acquired the firearms on behalf of another person;

all in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2)

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and signed in my presence.

Date:

3 Feb 2015

City and state: St. Paul, MN



Complainant's signature

Nicole Hajny, ATF Special Agent

Printed name and title



Judge's signature

The Honorable Steven E. Rau
U.S. Magistrate Judge

Printed name and title

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

ss. **AFFIDAVIT OF NICOLE HAJNY**

I, Nicole Hajny, being duly sworn, depose and state that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in St. Paul, Minnesota, and have been for over 7 years. During that time, I have participated in numerous investigations involving the illegal possession, use and sale of firearms.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Michael Ronald Garant with knowingly making a false and fictitious written statement to Full Metal Gun Shop, in that he represented that he was the actual buyer of the firearms, when in fact he acquired the firearms on behalf of another person, in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

3. The facts set forth herein are based on my personal observations, my review of police reports, as well as conversations I have had with other law enforcement personnel. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant and therefore contains only a summary of relevant facts.

4. On January 26, 2015, at approximately 7:15 p.m., Raymond Kmetz entered the New Hope City Hall, in New Hope, Minnesota, armed with a 12 gauge shotgun. A city council meeting was in progress at the time, which included a swearing in ceremony for newly hired New Hope police officers. Kmetz fired one round from the shotgun in

the direction of the council chambers. Officers in attendance at the meeting returned fire, and Kmetz was killed. The shotgun used by Kmetz was a Stoeger Model 2000 12 gauge shotgun, with an obliterated serial number.

5. Officers checked the parking lot and located a Cadillac Deville which registered to Kmetz. A search warrant was obtained and executed for Kmetz's vehicle. Two other shotguns were recovered from the vehicle, both with obliterated serial numbers.

6. The Hennepin County Sheriff's Crime Laboratory was able to determine that the serial number of the Stoeger Model 2000 12 gauge shotgun used by Kmetz was 915191. Investigators learned that the Stoeger shotgun was sold through K-Bid Auction, in Maple Plain, Minnesota, in August, 2014, and that the actual purchase was conducted through Full Metal Gun Shop, located in Princeton, Minnesota. Full Metal Gun Shop is a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code.

7. On January 29, 2015, investigators went to Full Metal Gun Shop in Princeton, and spoke with the owner, Troy Allen Buccholz. Buccholz stated that on August 21, 2014, three firearms were won by bid through K-Bid and to be purchased by Ray Kmetz. Buccholz stated that on August 23, 2014, he tried several times to contact Kmetz by telephone, but received no answer. Later that day, Michael Ronald Garant showed up at Full Metal Gun Shop to purchase the three firearms which were bid for under the name Ray Kmetz. Buccholz stated that Garant claimed to use the name Ray Kmetz as an alias because he was a tow truck driver and did not want people contacting

him from the K-Bid site. Garant produced a driver's license to verify his name and identity.

8. Buccholz stated that he conducted a National Instant Criminal Background Check System (NICS) check on Garant, which came back clear. One ATF Form 4473 was filled out for the purchase of all three firearms. Question 11a. states as follows:

Are you the actual transferee/buyer of the firearm(s) listed on this form?
Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.

(emphasis in original). Garant checked the box "Yes" with respect to Question 11a. The Form 4473 was for the sale of three firearms: (1) a Yimeng Model YL12-1J2B 12 gauge shotgun, serial number 9502482; (2) a Mossberg Model 500CG 20 gauge shotgun, serial number J165347; and (3) a Stoeger Model 2000 12 gauge shotgun, serial number 915191. Buccholz said Garant paid cash in the amount of \$659.29 for the three firearms.

9. The above-described Stoeger shotgun is the gun used by Kmetz in the shooting at the New Hope City Hall. The Yimeng and Mossberg shotguns are the same models as the two shotguns seized from Kmetz's car, although the serial numbers have been obliterated.

10. On January 29, 2015, Garant was interviewed by Detective Bernie Bogenreif, of the Hennepin County Sheriff's Office, and your affiant. Prior to being questioned, Garant was advised of his Miranda rights, which he waived. The interview was digitally video recorded. Garant stated that he had known Ray Kmetz for approximately 15 years. Garant confirmed that he had picked up the three firearms at

Full Metal Gun Shop, and filled out the Form 4473. He stated that two of the guns were for Ray Kmetz, but claimed that one of them was for him. He said that Kmetz took all three of the guns, since Garant did not want to keep firearms at his house. Garant admitted that he was not honest when filling out the Form 4473.

Further your affiant sayeth not.


NICOLE HAJNY, Special Agent, ATF

SUBSCRIBED and SWORN to before

me this 3rd day of February, 2015.


STEVEN E. RAU

United States Magistrate Judge